

Part 21 Rule Change Q&As

A. General:

A1 What is the purpose of this rule change?

This rule change revises current regulations to reflect the modern, global manufacturing environment and to reinforce the PAH's responsibility while complementing the 2009 final rule.

A2 What is the effective date for this rule?

This final rule becomes effective on January 4, 2016 for §§ 21.1(b)(1), 21.1(b)(5), 21.137(o), 21.142, 21.147 and 45.11(c); and March 29, 2016 for all other changes and sections amended by the final rule.

A3 Must the PAH submit its Quality Manual for approval to the FAA for changes made resulting from the rule change?

No. An active PAH already submitted its quality manual for approval at time of application. This would be considered a change to the quality system and the PAH will need to notify the FAA in accordance with §§ 21.150, .320, and .620 "Changes in quality system".

However, it is highly recommended that any PAH that intends to establish the process for issuing authorized release documents in accordance with § 21.137(o) should notify its PI immediately and work with them to help ensure that there will be no delays in implementing the process.

B. Definitions:

B1 Why was the definition of "airworthiness approval" changed in § 21.1(b)(1)?

It was expanded to account for the issuance of an airworthiness approval in instances where an aircraft, aircraft engine, propeller, or article does not conform to its approved design or may not be in a condition for safe operation at the time the airworthiness approval is generated and that nonconformity or condition is specified on the airworthiness approval document.

B2 Does adding “..., unless otherwise specified.” to the end of rule § 21.1(b)(1) change the fundamental concept of airworthiness?

No. The final rule simply brings the definition of Airworthiness Approval in line with current FAA practice and with part 21, subpart L.

C. Accountable Manager:

C1 Can a PAH identify an accountable manager prior to the rule effective date?

Yes. The PAH can add an Accountable Manager into its Organization document at any time.

D. Interface Components:

D1 How do interface components (IC) differ from products or articles that would be listed on the Production Limitation Record (PLR)?

Interface components (IC) are different from other items listed on the PLR. The listing of an IC on the PLR allows the PC holder to both produce and install the article onto its TC'd product. Any other article listed on the PLR is only for the production of the article not an installation authorization.

D2 Can the interface component be provided by another design approval holder?

No. The interface component must be manufactured under the PC holder's quality system. This does not preclude the PC holder from using a design approval holder as a supplier. This rule allows the PC holder to receive an amendment to its PLR permitting the manufacture and installation of IC. However, the holder of design data identifying the IC retains all of the continuing airworthiness responsibilities for the IC.

D3 Does the PC holder have to manufacture the Interface Component?

Yes. The interface component must be produced under the PC holder's FAA approved production certificate.

E. Authorized Release Documents:

E1 Can a PAH submit their procedures for completing Authorized Release Documents prior to the rule effective date?

A PAH may work with its managing office to get an acceptable procedure added to its approved quality system. However, the FAA cannot find the quality manual in compliance to the rule, nor can the PAH issue authorized release documents until after the effective date of the rule.

E2 Does the final rule change the conditions specified in subpart L regarding the issuance of exports airworthiness approvals for articles?

No. The final rule did not change or remove the requirements for the issuance of export airworthiness approvals for articles in subpart L.

E3 Can you provide examples of when an airworthiness approval would be issued for products or articles that are not in a condition for safe operation?

Examples include: A propeller that has been disassembled for shipping or an aircraft engine that has preservation fluid installed and caps over connectors and hydraulic lines in preparation for storage or shipping.

E4 Will PAH personnel selected to issue authorized release documents be required to receive FAA training that is currently required for designees?

No. A PAH that chooses to issue authorized release documents must establish a training process for those authorized individuals. The PAH may choose to send its personnel to FAA designee training (if available), establish its own in-house training, or meet the requirement in some other manner. The rule establishes minimum requirements and permits the PAH to establish FAA-approved procedures to meet those requirements.

E5 Does the rule as written give a PAH authority to issue FAA Form 8130-3 because the term “authorized release document” is not defined within the rule?

Yes. However, the PAH must first establish procedures within its quality system and have documented within its quality manual that it meets the requirements of § 21.137(o).

As stated in § 21.1(b)(1), an airworthiness approval is a document that is issued by the FAA. This final rule permits an authorized PAH to issue authorized release documents, using an FAA Form 8130-3, for new aircraft engines, propellers, and articles, and for aircraft engines, propellers, and articles when rebuilt or altered in accordance with § 43.3(j).

E6 What distinguishes between a document issued by the FAA (an airworthiness approval) and one issued by the PAH (an authorized release document)?

It comes down to who is issuing the FAA Form 8130-3. An airworthiness approval is issued by the FAA. An authorized release document is issued by a PAH.

E7 Will this privilege of issuing an authorized release document extend beyond PAHs, to include distributors accredited in accordance with FAA AC 00-56, *Voluntary Industry Distributor Accreditation Program*?

No. The FAA cannot extend this privilege to non-PAH distributors because they are not recognized PAHs and lack FAA-approved quality systems.

E8 Does the final rule limit a PAH to issuing authorized release documents for only those products or articles that the PAH itself manufactured?

Yes. This final rule limits a PAH's authority to issue authorized release documents to only those products and articles that particular PAH manufactured under its FAA production approval.

E9 Will allowing a PAH to issue an authorized release document (ARD) reduce or be detrimental to aviation safety?

No. Allowing a PAH to issue FAA Form 8130-3 will not cause a decrease in safety. The process for ensuring that products or articles leaving a PAHs system as FAA approved are conforming and in a condition for safe operation, is determined by its approved quality system ... prior to any consideration of providing an ARD to its customer. The ARD does not make a product or article safer nor is the lack of an ARD detrimental to aviation safety.

E10 Will PAHs with an approved quality system that includes procedures for issuing authorized release documents in accordance with § 21.137(o), be able to authorize DMIRs or ODA unit members to issue airworthiness approvals?

No. For PAHs with an approved quality system that has established procedures for issuing authorized release documents that are in compliance with § 21.137(o), the FAA will no longer authorize DMIRs or ODA unit members to issue airworthiness approvals.

E11 Is a PAH with an approved quality system that includes procedures for issuing authorized release documents in accordance with § 21.137(o), be required to use FAA Form 8100-1 when issuing authorized release documents?

No. Section 21.137(o) does not require any person to use FAA Form 8100-1 when issuing a FAA Form 8130-3.

E12 When a PAH signs an authorized release document, is the PAH signing that document on behalf of the FAA Administrator?

No. A PAH that has a FAA approved quality system and has established procedures for issuing authorized release documents that are in compliance with § 21.137(o), is issuing the authorized release document as a privilege of its production approval not as a designee of the FAA.

E13 Will the FAA require any PAH that chooses to issue authorized release documents to establish minimum procedures, including training the employees responsible for issuing those documents?

Yes. A PAH that has a FAA approved quality system and chooses to issue authorized release documents must establish procedures that are in compliance with § 21.137(o) which includes a training requirement. However, each PAH has the flexibility to choose how it intends to meet the training requirement. The PAH may choose to establish their own in-house training, utilize FAA Designee training (if available), or meet the requirement in some other manner.

E14 Will the FAA define authorized release documents within the rule to “establish who is issuing the document?”

No. The FAA does not believe it is necessary to provide a definition in the text of the rule. The FAA provides additional guidance on authorized release documents in the revised AC 21-43, Appendix B.

E15 Under current guidance, FAA Order 8130.21H allows certain entities to use FAA Form 8130-3 when returning to service rebuilt or altered engines, propellers, or articles in accordance with § 43.3(j). So, why is the final rule addressing extending this privilege to PAHs when this activity is already being performed by PAH manufacturers?

The FAA's final rule codifies our authorization of that practice and extends the same privilege to PAHs producing new aircraft engines, propellers, and articles.

E16 If a PAH is already rebuilding or altering engines, propellers, or articles they manufactured under § 43.3(j), do they have to change their procedures manual to address the new rule in § 21.137(o)?

No. If the PAH has no intention of issuing an authorized release document for new products or articles then it does not need to revise its quality manual and can continue to issue an 8130-3 Airworthiness Approval Tag for return to service (right side) for work they have performed in accordance with § 43.3(j).

E17 Once the final rule is published and if the local MIDO has reviewed the PAHs updated quality manual reflecting § 21.137(o), can the PAH issue authorized release documents using a FAA Form 8130-3 before the compliance date?

No. A PAH may not implement any portion of the new rule that contradicts the current rule.

E18 Must the PAH meet the old rule, or can they meet the new rule in regards to issuing a FAA Form 8130-3 for rebuilding or altering an aircraft engine, propeller, or article that they manufactured?

Yes. The PAH must meet the current rule. PAHs can sign and issue an 8130-3 Airworthiness Approval Tag for return to service (right side) for work they have performed in accordance with § 43.3(j). After the effective/compliance dates a PAH with a revised quality system and quality

manual addressing the requirements of § 21.137(o) may issue an authorized release certificate for return to service.

E19 What does a PAH enter in Block 13c (Approval/Authorization No.) of a FAA Form 810-3 when completing an authorized release document?

Enter the applicable production approval/authorization number of the authorized representative/organization issuing the form. Examples include: PT1234CE, PQ1234NM, PC62, PQ0000SW, PC23, PC123.

E20 I am a FAA PAH. A 14 CFR part 121 certificated airline provides a purchase order to the PAH for floor panel assemblies for their aircraft with pilot holes only, so they can drill the final hole sizes on installation. Can I issue an 8130-3 tag and ship completed floor panel assemblies with pilot holes?

Yes – As long as the floor panel material and assembly construction with pilot holes conforms to the approved design and the difference between the approved design and the as shipped condition are noted on the 8130-3. Many approved designs require parts to be drilled on installation because hole location can only be established when the parts are mated together.

E21 As a FAA PAH, I find that one of my suppliers with direct shipment authorization (DSA) had delivered and issued an 8130-3 tag for batch of parts made from castings verses forgings as required by the approved design to an end user. Per § 21.137(n), must I still analyze and initiate appropriate corrective action for these articles that have been released from my quality system?

Yes - Quality escapes are addressed in §21.137(n) as "... articles that have been released from the quality system and that do not conform to the applicable design data or quality system requirements." A PAH is still responsible to ensure only parts that conform to an approved design and are in a condition for safe operation are released to an end user. Also, just because a PAH has granted a supplier direct ship authority does not mean that the supplier has the authority to issue an 8130-3 authorized release document (ARD). The PAH would need to establish a process in accordance with 21.137(o) and document those procedures within its quality system. Those procedures would also need to establish how a supplier could be authorized to issue the ARD. So if the supplier issued an 8130-3 and was not authorized to do so by the PAH, the PAH would also need to take corrective action with respect to this issue.

E22 Can a PAH authorize someone at a supplier that has direct ship authority to issue an ARD?

Yes. But the PAH's quality system procedures must account for this process and those individuals must meet the same requirements and be controlled in the same manner as the PAH's personnel.

E23 Can a PAH with an approved quality system and procedures for issuing ARDs also issue ARDs for export?

Yes. But, if the PAH cannot meet the importing country's requirements or if the product or article does not conform or is not in a condition for safe operation then the ARD must be coordinated with the importing country by the FAA. Please refer to AC 21.43 for further information.

F. Supplier Control:

F1 What is the rationale behind the amendment to § 21.137(c)(1) & (2) pertaining to supplier control?

Section 21.137(c)(1) was changed to align with current industry practices. There are many times when the PAH will request something from its supplier that does not meet the FAA approved design at the time it is received from the supplier. Examples include: sheet metal part with pilot holes instead of finished hole size, article with just primer paint and not the top coat (top coat may be applied after final assembly so that all the parts match), or a machined article that requires additional processes such as heat treat or plating that will be done by another supplier or the PAH.

Section 21.137(c)(2) was changed to allow for the PAH to determine who in its supply chain need to report when a product or article has left the supplier and is subsequently determined to be nonconforming (supplier escape) to the PAH's requirements. This gives a PAH flexibility to determine the appropriate level of reporting and removes the requirement for every supplier escape, at any level in the supply chain, to be reported to the PAH. To clarify, this final rule does not require a PAH to report to the FAA supplier escapes that remain within the PAH's quality system.

F2 As a FAA PAH, can I authorize a supplier to direct ship a nonconforming cracked part to an end user per § 21.137(c) and have the end user repair the part themselves?

No - Nothing in § 21.137(c) changes the requirement to meet §21.146 (c). Section 21.146(c) states in part, "The holder of a production certificate must ensure that each completed product or article for which a production certificate has been issued...presented for airworthiness approval conforms to its approved design and is in a condition for safe operation. It is the responsibility of a PAH to ensure material review board repairs are completed per the PAH's approved quality system prior to direct shipment of the part to an end user.